

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In the Matter of:

VICTOR M NEGRON JR.

Debtor

Chapter 13

Case No. 17-10063-KHK

OBJECTION TO CONFIRMATION OF PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed January 6, 2017. The cause for this objection is as follows:

Violation of 11 U.S.C. §1325(a)(3) – Good Faith and Violation of 11 U.S.C. §1325(b)(1)(B) – Disposable Income – Debtor’s Schedule J deducts HOA dues twice (Lines 4(d) and 20(e)). Schedule J also lists a deduction for \$70.00/mo. for a “Signature Loan” used for purchase of motorcycle (\$4,740.00 over life of Plan) and \$50.00/mo. to Kirby vacuum (\$3,000.00 total) which should be paid through the Plan.

Violation of 11 U.S.C. §1325(a)(6) – Feasibility –

- Debtor’s spouse is in her own Chapter 13 (Marian O. Negron, Case #15-13229-BFK) and this Debtor shows her Plan payment on his Schedule J filed in this case (\$500.00/mo.). Those Plan payments are themselves in default, which does not bode well for Debtor’s proposed Plan payment in this case (\$2,800.00/mo. for 44 months and then \$2,966.62 for 1 month and then \$3,893.63 for 15 months).
- This case appears to have been filed to pay mortgage arrears (\$29,494.32) which have accrued since Co-Debtor filed her Chapter 13 case, which means Debtors have demonstrated that they cannot afford their combined mortgage and Plan obligations.
- Plan is underfunded as follows due to high filed mortgage claim:

PERFORMANCE	Amount of Plan Payment	<u>2,800.00 x 44</u>	123,200.0
	Number of Months	<u>2,966.62 x 1</u>	2966.62
		<u>3,893.63 x 15</u>	58,404.45
	Total Receipts		<u>184,571.07</u>
	Disbursements Required		

Notice of Objection To Confirmation

Victor M Negron Jr., Case # 17-10063-KHK

Trustee	19,503.81	10.00%
Attorney	0.00	
Taxes/Other Priority	0.00	
Secured	62,061.81	
Unsecured	3,362.50	
Reg. Mortgage payment	129,613.80	
Total Disbursements		<u>214,541.92</u>

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on April 6, 2017 at 9:30 a.m., in Courtroom II on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

Notice of Objection To Confirmation

Victor M Negrón Jr., Case # 17-10063-KHK

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: February 28, 2017 _____

_____/s/Thomas P. Gorman _____
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of February, 2017, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Victor M Negrón Jr.
Chapter 13 Debtor
15 Whitestone Drive
Stafford, VA 22556

Eric David Kessel
Attorney for Debtor
Robert A. Ades & Associates, P.C.
5419-B Backlick Road
Springfield, VA 22151

_____/s/ Thomas P. Gorman _____
Thomas P. Gorman